

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PREPARED FOOD PHOTOS, INC. f/k/a)
ADLIFE MARKETING &)
COMMUNICATIONS CO., INC.,)

Plaintiff,)

v.)

ARCADIA ACADEMY, LLC d/b/a THEE)
ABBAY KITCHEN,)

Defendant.

Case No. 4:23-CV-00163-SPM

CASE MANAGEMENT ORDER - TRACK 2 (STANDARD)

Pursuant to the Rule 16 Conference held on **May 17, 2023**,

IT IS HEREBY ORDERED that the parties are directed to familiarize themselves with the Local Rules of this Court and the undersigned's requirements, which can be found at <http://www.moed.uscourts.gov/judges-requirements>.

IT IS FURTHER ORDERED that the following schedule applies in this case, and will be modified only upon a showing of exceptional circumstances:

I. SCHEDULING PLAN

1. This case has been assigned to **Track 2**.
2. All motions for joinder of additional parties or amendment of pleadings shall be filed no later than **July 5, 2023**.
3. The parties shall make all initial disclosures required by Fed.R.Civ.P. 26(a)(1) no later than **June 12, 2023**.
4. Whenever feasible, the parties will produce all electronically stored information in bates-stamped, pdf format. The parties must comply with the requirements of Fed. R. Civ. P. 26(b)(5)(A) if they withhold information during discovery under an assertion of privilege or of protection as trial preparation material.

5. Plaintiff must disclose all expert witnesses and provide the reports required by Fed.R.Civ.P. 26(a)(2) no later than **August 29, 2023** and must make expert witnesses available for depositions, and have depositions completed, no later than **September 29, 2023**.
6. Defendant must disclose all expert witnesses and provide the reports required by Fed.R.Civ.P. 26(a)(2) no later than **October 30, 2023** and must make expert witnesses available for depositions, and have depositions completed, no later than **November 29, 2023**.
7. The presumptive limits of ten (10) depositions per side as set forth in Fed.R.Civ.P. 30(a)(2)(A) and twenty-five (25) interrogatories per party as set forth in Fed.R.Civ.P. 33(a) shall apply. For purposes of this limit, a deposition under Rule 30(b)(6) is deemed a single deposition even though more than one person may be designated to testify.
8. Requests for physical or mental examinations of parties pursuant to Fed. R. Civ. P. 35 are not anticipated and may be obtained only with leave of court.
9. The parties must complete all discovery in this case no later than **December 29, 2023**. The Court will hold a Case Status Conference on **December 15, 2023 at 10:00 a.m.**
10. All discovery motions, including motions to compel, must be pursued in a diligent and timely manner. All discovery motions must be filed no later than ten days immediately after the response is made or is due, whichever is earlier. The Court will not consider motions to compel filed more than fourteen (14) days following the discovery deadline set out above. Pursuant to L.R. 37-3.04, no motion to compel will be considered unless the parties have first attempted to resolve the dispute without court intervention.
11. Before filing any discovery motion, the parties must first attempt to resolve their discovery dispute in compliance with the Court's requirements and the Local Rules. If the parties are unable to reach an agreement without court intervention, they **must** file a joint memorandum requesting a conference. The memorandum must be filed jointly; must specify the parties' previous attempts to resolve; must stipulate (in bullet points) the issues in dispute; and must not exceed three pages in length.
12. A party may seek relief by motion and need not request a conference if (a) that party is seeking discovery from a non-party; (b) the opposing party has failed to timely respond to discovery requests or (c) the opposing party has failed to make disclosures mandated by a court order.
13. This case shall be referred to alternative dispute resolution on **June 12, 2023** and that reference shall terminate on **August 14, 2023**.

14. Any motion to exclude expert testimony pursuant to *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), or *Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137 (1999), shall be filed no later than **January 31, 2024**.
15. Any motions to dismiss, for summary judgment, or motions for judgment on the pleadings must be filed no later than **January 31, 2024**. Opposition briefs must be filed no later than **twenty-eight (28)** days after the motion is filed. Reply briefs must be filed no later than **fourteen (14)** days after the opposition briefs are filed.

II. ORDER RELATING TO TRIAL

1. This action must be ready for trial by no later than **July 15 2024**.
2. The Court will issue a separate order setting a final trial date and establishing pretrial compliance deadlines following the Case Status Hearing.

Failure to comply with any part of this order may result in the imposition of sanctions.



SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated this **17th** day of **May, 2023**.